

72. Smoke



GEORGE A. SINNER
GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR
BISMARCK, NORTH DAKOTA 58505
(701) 224-2200



EXECUTIVE ORDER 1990-2

I, GEORGE A SINNER, GOVERNOR OF THE STATE OF NORTH DAKOTA, BY THE AUTHORITY VESTED IN ME, DO HEREBY ORDER THAT, BEGINNING MAY 1, 1990, A SMOKING CESSATION POLICY WILL BE IN EFFECT AND, BEGINNING OCTOBER 1, 1990, SMOKING WILL BE PROHIBITED, WITH EXCEPTIONS SPECIFIED, IN ALL BUILDINGS UNDER MY CONTROL OR UNDER THE CONTROL OF GUBERNATORIAL APPOINTEES. ATTACHED AND MADE A PART OF THIS ORDER ARE THE SPECIFICS OF THAT POLICY.

This order is issued upon the following bases and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution.
2. Pursuant to Chapter 23-12 of the North Dakota Century Code, smoking may be prohibited by persons with general supervisory responsibility over "places of public assembly," which includes any building or other enclosed structures owned or leased by the state or its agencies.

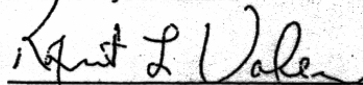
Executed at Bismarck, North Dakota this 16th day of April, 1990



GEORGE A. SINNER
Governor

Attest:

Secretary of State



Deputy

STATE GOVERNMENT SMOKING POLICY

Purpose and Background

As an employer, the State of North Dakota is concerned with the health and welfare of all state employees. For this reason, a State Government Smoking Policy has been designed to provide all employees a safe and healthy working environment.

Smoking is harmful to the health of smokers and nonsmokers. It is also a safety hazard. Tobacco smoke is particularly harmful to nonsmokers with heart and respiratory disease or allergies related to tobacco smoke. Many studies exist which indicate that nonsmokers are adversely affected by the smoke of others.

Smoking is a complex behavior which has properties of both psychological and physiological addiction. Many individuals require assistance to eliminate smoking from their lives. Each phase of this policy will provide smoking cessation assistance for smokers who wish to quit.

POLICY

PHASE I

- A. Beginning May 1, 1990, all areas under the jurisdiction of the Governor and gubernatorial appointees, will be nonsmoking areas unless noted below.
 1. In state buildings and agencies with existing designated smoking areas which are not open to the general public (i.e. private offices where the public is not invited, with four full walls and a closed door, break rooms with closed doors, etc.) those existing designated smoking areas may continue as smoking areas until October 1, 1990.
 2. Smoking within the Capitol building will be permitted only in the areas identified in paragraph A.1. and the following areas:
 - a. The north side of the cafeteria;
 - b. The existing designated smoking area on the 18th floor in the Capitol Tower; and
 - c. The existing designated smoking area on the first floor between the House and Senate chambers.

- B. Beginning May 1, 1990, all meetings sponsored by state agencies in places of public assembly or in areas under the jurisdiction of the Governor and gubernatorial appointees, will be "no smoking" meetings.
- C. Beginning May 1, 1990, all vehicles operated by the State Motor Pool, excluding Highway Patrol vehicles, will be "no smoking" vehicles.
- D. Beginning May 1, 1990, the North Dakota Highway Patrol, in cooperation with the State Department of Health and Consolidated Laboratories, will begin developing a smoking policy for vehicles within their agency.
- E. Beginning May 1, 1990, all state agencies headed by gubernatorial appointees and housed in non-state owned buildings, will make a concerted effort, in collaboration with the building manager and the Department of Health and Consolidated Laboratories, to eliminate any currently designated smoking areas which the public may access (i.e. lobbies, restrooms, hallways, meeting rooms, etc.)
- F. Beginning May 1, 1990, those state agencies which house residents on a twenty-four hour basis must begin developing policies to eliminate smoking in buildings by employees and to minimize smoking by residents and exposure to smoke by employees and residents.
- G. All state institutions of higher learning and all state elected officials with jurisdiction of state buildings not under the jurisdiction of the Governor or his appointees, are encouraged to develop smoke free policies, in collaboration with the Department of Health and Consolidated Laboratories, that will eliminate all smoking areas.
- H. Beginning May 1, 1990, any state agency may designate all buildings or space in which the agency is housed or over which the agency has control, as a "no smoking" area.

Smoking cessation assistance will be offered during PHASE I for smokers who wish to quit.

PHASE II

Beginning October 1, 1990, all government agencies and buildings, under the jurisdiction of the Governor and gubernatorial appointees, including private offices, restrooms, lobbies, hallways, meeting rooms, state government sponsored meetings in places of public assembly, State Fleet vehicles and other places of public assembly, will be "no smoking" areas.

Beginning October 1, 1990, smoking will not be permitted within state buildings under the jurisdiction of the Governor and gubernatorial appointees. Smoking by employees will be prohibited in buildings of state institutions which house residents on a twenty-four hour basis and exposure to smoke by employees and residents will be minimized to the extent possible. Ashtrays will be provided outside building entrances for convenience.

Smoking cessation assistance will be offered during PHASE II for smokers who wish to quit.

All state agencies are encouraged to help defray costs for employees for employees first smoking cessation attempt after May 1, 1990, to a maximum of \$15 per person.